

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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Art Ask Agency	:	
	:	
Plaintiff,	:	Case No. 1:24-cv-01977
	:	
-against-	:	Judge: Hon. John J. Tharp, Jr
	:	
The Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations Identified on Schedule A Hereto	:	Magistrate Judge: Hon. Sunil R. Harjani
	:	
Defendants.	:	
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OPPOSITION TO PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

Defendant FUNSHOWCASE (“Defendant”), by and through its undersigned counsel, hereby opposes Plaintiff’s Motion for Preliminary Injunction filed on April 25, 2024 (Dkt. #41) on the ground that Plaintiff cannot satisfy the criteria for preliminary injunction under the case law in *TY, Inc. v. The Jones Group, Inc.*, 237 F.3d 891, 895 (7th Cir. 2001).

Defendant respectfully points out that Plaintiff has an adequate remedy at law because Defendant had filed its appearance to defend itself in this case and had a *de minimus* amount of alleged infringing product sale, about \$100, with no inventory. A \$750 hold on Defendant’s bank account would provide Plaintiff with adequate legal remedy.

Moreover, there is no irreparable harm to Plaintiff because Defendant has no current inventory of the alleged infringing product.

Finally, Plaintiff is unlikely to succeed on the merits to freeze Defendant’s e-commerce store and all the bank accounts with sales proceeds from numerous non-related products because

such action may constitute unlawful enforcement of copyright beyond the scope of its legal boundary.

Therefore, Plaintiff's Motion for Preliminary Injunction must be denied to the extent that it seeks to freeze Defendant's e-commerce store and to freeze Defendant's bank accounts beyond \$750.

Dated: May 2, 2024

Respectfully submitted,

/s/Lance Liu
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Attorney for FUNSHOWCASE

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2024, a copy of the foregoing document was filed electronically through the Court's CM/ECF NextGen system with notice of filing automatically sent electronically to counsels of record.

Dated: May 2, 2024

Respectfully submitted,

/s/Lance Liu

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